

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Rosemary Heredia, Assistant Deputy Clerk.

F042071 People v. Hicks

Cause called and argued by Russell Sheridan Babcock, Esq., counsel for appellant and by Judy Kaida, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Tuesday, March 9, 2004 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Shandra Gallagher, Assistant Deputy Clerk.

F040755 Xiong et al. v. Rithaporn

F041481 Xiong et al. v. Rithaporn

Cause called and argued by Leonard Herr, Esq., counsel for appellants and by Lisa M. Martin, Esq., counsel for respondent.

Cause ordered submitted.

At this point Ardaiz, P.J. joins the bench, replacing Wiseman, J.

F040490 Bonacich v. County of Stanislaus et al.

Cause called and argued by Alan Thomas Budge, Esq., counsel for appellant and by Julie A. Gonzales, Esq., counsel for respondent County of Stanislaus and by Jennifer E. Duggan, Esq., counsel for respondent Stanislaus Co. District Attorney's Office.

Cause ordered submitted.

Court recessed until Wednesday, March 10, 2004 at 10:00 A.M.

IN THE

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Fifth Appellate District

F044770 Perry v. Ronald P. Fena, Inc.

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F043722 In re Nikolas N. et al., Minors

The orders of the juvenile court are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041789 Small v. Lowe Brothers Hay Service, Inc.

The judgment is affirmed. Ardaiz, P.J.

We concur: Gomes, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041216 Berger v. Cullen

The order of the superior court is affirmed. Respondent shall recover his costs on appeal.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042175 People v. Carey

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F042175 People v. Carey

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041845 People v. Wheat

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F043084 In re Manuel S., a Minor

Appellant's adjudication of violating section 148(a)(1) is affirmed. His adjudication of violating section 647(f) is reversed. The disposition order is vacated and the case remanded for new disposition proceedings.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042642 People v. Edwards

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F042642 People v. Edwards

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043360 In re Jason R., a Minor

Counsel having failed to request oral argument in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F043360 In re Jason R., a Minor

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041131 People v. Ramos

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F041131 People v. Ramos

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041213 Hempel, Jr. et al. v. Assurance Company of America

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.